UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,254	05/24/2001	Hiroyasu Shino	1538.1014	9281

21171 7590 01/26/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
RHODE JR, ROBERT E	

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/863,254	SHINO ET AL.	
	Examiner	Art Unit	
	Rob Rhode	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12-14-04 has been entered.

Response to Amendment

Applicant amendment of 12-14-04 canceled claims 4, 6, 10 and 15. In addition, applicant traversed rejections of Claims 1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18.

Currently, claims 1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 - 3, 5, 7 – 9, 11 – 14 and 16 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Robo-shopper cuts out trip to supermarket"; Julian Ryall; Tokyo; Sunday Times; London; April 23, 2000 (hereafter referred to as "Robo") in view of Zweig (US 6,658,325 B2).

Regarding claim 1 and related claims 7 and 12 (CURRENTLY AMENDED), Robo teaches a method and system of selling a commodity via a network, said method comprising: if instruction information regarding a designated display manner of an article, which was selected from a plurality of articles of one commodity is received from a user' terminal (see at least Page 1 and 2).

While Robo does disclose outputting a list of items to a Robot as well as the Robot equipped with a video camera for making window shopping possible at a real shop, which would include an article of interest, the reference does not specifically disclose and teach a method and system for outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot.

On the other hand, Zweig teaches a method and system for outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop (see at least Abstract, Col 3, lines 19 – 22, Col 4, lines 30 – 31 and Col 7,lines 46 – 49); and

transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot (Col 9, lines 34 – 53 and Col 13, lines 33 - 35). Please note that Zweig discloses a robot acquiring images of selected articles in order to evaluate an article. While Zweig does not specifically disclose a real shop, the reference does disclose various different operating environments such as home, industry and buildings for security. Moreover, these are just examples and do not limit the applications of Zweig to just these examples since the applications for robots in space exploration are well known too. In this regard, it would have been obvious to one of ordinary skill in the art to have extended the method and system of Zweig with a real shop environment. Thereby extending the number of examples of applications in order to expand the examples of the use of this method and system to another environment. Therefore, the more applications that Zweig can be used will expand the potential market for the disclosed method and system, which will increase potential sales of the robot.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Robo with the method and system of Zweig to have enabled a method and system of selling a commodity via a network, said method comprising: if instruction information regarding a designated display manner of an article, which was selected from a plurality of articles of one commodity is received from a user' terminal, outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot – in order to have the ability to shop online and view products at a shop via an in shop robot. Robo discloses a method and system of selling a commodity via a network, said method comprising: if instruction information regarding a designated display manner of an article, which was selected from a plurality of articles of one commodity is received from a user' terminal (see at least Page 1 and 2). Zweig discloses method and system for outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera

Included in said robot (Abstract and Col 9, lines 34 – 53). Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of Robo with a method and system for outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot. Thereby, the user can shop remote and view the article in the shop while window-shopping via a robot, which will provide the capability to window shop from home. In this regard, the shopper will be able either purchase the items seen after inspecting, which will save them time or use this robotic capability to locate exactly in a real shop the article that shopper will want to touch/feel before purchasing and thereby save them time since they will know exact location of the article.

Regarding claim 2 and related claims 8, 13 (CURRENTLY AMENDED) and 17 (NEW), Zweig teaches a method, further comprising: if information regarding a selected purchase plan commodity is received from said user terminal, outputting to said robot, a second request for acquiring image information for said selected purchase plan commodity; according to said second request, controlling said robot to move while taking image Information until said robot reaches an exhibition position of said selected

purchase plan commodity (Col 3, lines 19 – 22, Col 4, lines 4 – 7 and Col 9, lines 34 – 58); and

transmitting to said user terminal, image information for said selected purchase plan commodity, which is taken by said camera includes in said robot and image information until said robot reaches said exhibition position of said selected purchase plan commodity, to enable a user of said user terminal to see an actual state within said real shop in real time (Col 4, lines 27 –39 and Col 9, lines 36 – 49). Please note that Zweig does not specifically disclose a purchase plan commodity. However, Robo does specifically disclose a purchase plan commodity. Moreover, Robo discloses outputting to Robot information regarding a selected purchase plan commodity. Furthermore, Zweig discloses controlling a Robot to move while taking image information to position the Robot in order to observe an exhibition position of the selected article or person. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extended the method and system of Zweig with a purchase plan commodity.

Regarding claim 3 and related claims 9, 14 and 16 (CURRENTLY AMENDED), Zweig teaches a method, according to said first request, controlling said robot to change a photographing method for the selected article itself, and if a purchase instruction of the selected article is received from said user terminal, instructing said robot to convey said selected article within said real shop (Col 3, lines 18 – 22 and Col 7, lines 46 – 49 and Figures 2 - 3). Please note that Zweig does not specifically disclose a second controller,

a third receiver. However, Zweig does disclose a controller, transmitter and receiver. In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Zweig with a second and third controller as well as additional receivers, which will allow multiple robots to respond and perform various commands. In this manner, additional customers can be supported.

Regarding claim 5 and related claim 11 (CURRENTLY AMENDED), Zweig teaches a method, further comprising: if a purchase instruction of the selected article is received from said user terminal, acquiring identification information of said selected article itself; and transmitting said identification of said selected article to said user terminal (Col 7, lines 46 – 49 and Col 9, lines 34 – 49).

Regarding claim 16 (CURRENTLY AMENDED), Zweig teaches a computer system further comprising a fourth receiver for receiving a purchase instruction of the selected article from said user terminal; an acquiring unit that acquires identification information of selected article itself in response to said purchase instruction; and a third transmitter transmitting said identification information of said selected article itself to said user terminal ((Col 3, lines 18 – 22 and Col 7, lines 46 – 49 and Figures 2 - 3). Please note that Zweig does not specifically disclose a third receiver. However, Zweig does disclose a controller, transmitter and receiver. In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Zweig with a second and third controller as well as additional receivers, which

will allow multiple robots to respond and perform various commands. In this manner, additional customers can be supported.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Robo and Zweig as applied to claim 1 above, and further in view of Van Kommer (6,584,376).

The combination of Robo and Zweig substantially discloses and teaches the applicant's invention.

While the combination does disclose interacting with a robot via a web interface for shopping and/or window shopping, the references do not specifically discloses a method, further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time.

On the other hand and regarding claim 18 (NEW), Van Kommer teaches a method, further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user

terminal to represent an actual state within said real shop In real time (see at least Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Robo and Zweig with the method of Van Kommer to have enabled a method, further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time – in order to provide voice interface too. The combination of Robo and Zweig disclose a method of selling a commodity via a network, said method comprising: if instruction information regarding a designated display manner of an article, which was selected from a plurality of articles of one commodity is received from a user' terminal, outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot. Van Kommer teaches a method further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop;

and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time.

Response to Arguments

Applicant's arguments, filed 12-14-04, with respect to the rejection(s)of claim(s) claims 1 – 3, 5, 7 – 9, 11 – 14 and 16 - 18 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of "Robo". Additionally, the applicant's arguments regarding Zweig are addressed in the above rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is "Embedding robots into the internet"; Gauray Sukhatme; Association for Computing Machinery, Communications of the ACM; New York; May 2000, which also address robots controlled by the user over the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RER

Jeffrey A. Smith
Primary Examiner